

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHARLES L. SMITH,

Plaintiff,

v.

Case No. 05-C-686

**FOREMOST FARMS USA,
CENTRAL STATES SOUTHEAST AND SOUTHWEST,
INTERNATIONAL BROTHERHOOD OF TEAMSTERS AFL-CIO, and
TEAMSTERS LOCAL 563,**

Defendants.

DECISION AND ORDER

The plaintiff, in the above-entitled action, has not effected service of process within the time required by Fed. R. Civ. P. 4(m), and the defendant International Brotherhood of Teamsters AFL-CIO has not waived service under Fed. R. Civ. P. 4(d). This Court issued a warning letter on November 9, 2005 advising the plaintiff to effect proper service or provide an explanation establishing good cause for its failure to do so. The Court has not received any communication in response to its letter and, pursuant to E.D. Wis. Civil L.R. 41.1, retains the power to dismiss defendants where a plaintiff fails to properly effect service in accordance with the Federal Rules of Civil Procedure.

**THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED
THAT:**

Defendant International Brotherhood of Teamsters AFL-CIO is hereby
DISMISSED without prejudice.

Dated at Milwaukee, Wisconsin, this 9th day of December, 2005.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge